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MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, SEPTEMBER 8, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901

Present for the Board: Tom Mills, Rosanne McManus, Barry Michelson, William Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:07 PM.

PUBLIC HEARING

1. **CSPR-957 – WOODLAND CEMETERY ASSOCIATION, 54 Woodland Place,** clearing, re-grading and re-landscaping of approximately 4 acres of property along the East Branch of the Harbor to prepare the area for future grave sites, including the installation of asphalt roads, fences, drainage structures and construction of a bermed work area in an M-G coastal flood hazard area (*continued from July 28, 2014*).

Attorney Finn summarized their application, including Matt Popp's CAM report. The Zoning Board can't compel a public access easement, but Applicant has agreed to voluntarily offer a public access easement. The Applicant disagrees with Staff's opinion regarding the terms of the easement. If the Zoning Board agrees with Staff, the Applicant will not go forward with the proposed work. Palmer Landing has now added a demand that 60,000 grass plugs be planted but these would require DEEP approval. The project is exempt from CAM and the cemetery can expand the gravesites into new areas without needing any permits. Section F of the cemetery has been designated for cemetery use. Mausoleums can be erected in this area without Zoning Board approval. The project without the public access complies with CAM. Their position is supported by case law (regulations to be liberally construed in favor of the property owner).

Mr. Michelson asked what case law Attorney Finn was referring to. Response: Goldbryant vs. ZBA.

Mr. Stein asked if he was referring to City Attorney Jim Minor's memo of July 11, 2014? Attorney Finn said yes.

Mr. Cole asked if Mr. Popp qualified himself as an expert on CAM? Matt Popp, Professional Wetland Scientist, MLA, said he'd written CAM applications.

Mr. Mills asked if anyone from the public wanted to comment.

West Haynes, Historical Neighborhood Preservation read a letter into the record in support.

Attorney John Harness submitted a letter from Palmer Landing reminding the Board of statements made by the Applicant.

Mr. Mills polled the board members.

Ms. McManus said she had some questions on the public access easement and on the exemption of legal claims and asked for Corporate Counsel to respond.

Mr. Morris asked if the application would extend the graves into the “F” area without Zoning Board approval. Attorney Finn responded that there are already some gravesites in Section “F” of their plans.

Ms. Gwozdzowski asked what the financial impact was? Attorney Finn said \$25,000.

Mr. Mills closed the Public Hearing on this application.

2. **Application 214-10 – 80 WEP-1351, LLC, DP 26, LLC & ALBRIGHT PROPERTIES GROUP, LLC, 1351 Washington Blvd, Text change,** to add a new definition and parking standard for “Self-Storage Facility” to be permitted by right in ML and MG and by special exception in CL, CI and CG zoning districts.
3. **Application 214-11 – 80 WEP-1351, LLC, DP 26, LLC & ALBRIGHT PROPERTIES GROUP, LLC, 1351 Washington Blvd, Special Exception request,** for a 3,224 square foot self-storage facility use to be located in the basement of the building.

Mr. Mills read the application descriptions into the record. Mr. Michelson read the Planning Board referral letters into the record.

Attorney Lisa Feinberg introduced the Applicant and consultants and oriented the Board to the site location. 679 apartments are located in the immediate vicinity. Apartments need self-storage. The basement location has no exterior impact and this use will reduce parking demand. Self-storage is currently classified as a “warehouse”. She described the text amendment.

Michael Gallo, Architect noted the building code restricts what can be stored in these units, and those restrictions are included in the individual unit leases.

Bill Diamond, owner, stated the design will be for small storage cubicles for apartments.

Mr. Michelson said the Board should discourage as-of-right uses. Attorney Feinberg said this request is by special exception. Mr. Michelson said yes, but if it meets the standards, it’s a permitted use.

Mr. Morris asked how many other properties could use this regulation? Attorney Feinberg passed out a zoning map showing CL, CI and CG zones impacted.

Mr. Mills asked if anyone from the public wanted to comment.

Stephanie DeFilippis, owner of 80 Franklin Street who lives next to the building, considers this would be an industrial use (corner of Stanley Court and Franklin zoned RMF).

Steve Grushkin, Wofsy, Rosen, was present representing the Arrendondo's (owners of Westy's) and stated this is an industrial use and belongs in an ML/MG zone. The Master Plan promotes office, uses and retention of a vibrant downtown. Access from Franklin Street is very narrow. He submitted a traffic study.

Mr. Mills asked if they could have sought a variance for this use? Attorney Feinberg said yes. They are ready to accept the Zoning Board opinion if the board thinks it should be a more limited use or limit the use to basement space.

Ms. Gwozdzowski asked what the proposed hours would be. Attorney Feinberg answered 6am to 9pm. Ms. Gwozdzowski asked if they'd designate parking spaces for this use.

Mr. Mills closed the public hearing on these applications at 9:43pm.

4. **Application 214-17 – HIGH RIDGE REAL ESTATE OWNER, LLC, Text change,** to amend the definition of "Surgery Center/Out Patient" to clarify the term "gross floor area", to amend the C-D District standards to include "Surgery Center/Out Patient" as a permitted use, and amend the C-D District standards to establish a minimum setback for emergency generators and to exempt emergency generators from the calculation of non-porous surface area coverage.
5. **Application 214-18 – HIGH RIDGE REAL ESTATE OWNER, LLC, 0 Turn of River Road, Final Site & Architectural Plans,** for approval of Final Site plans for change of use from general office use to a Surgery Center/Out Patient facility, for 14,147 square feet on the third floor of Building 5 and to install an emergency generator with landscaped screening, for property in a C-D district.

Mr. Mills read the application descriptions into the record. Mr. Michelson read the Planning Board referral letters into the record.

Mr. Stein said he works in the High Ridge Office Park and is willing to recuse himself if the Applicant or Staff see fit. Attorney O'Hanlan said he had no objection as did Mr. Cole for Staff.

Attorney O'Hanlan presented the site plan and the location of the generator and explained the use. The nearest residence is about 400' away and the generator will be noise attenuated and screened. Ambulatory surgery center will have four operating rooms. This use will have a low traffic impact. Medical waste will be segregated.

Mr. Mills asked if they've provided estimated noise levels? Attorney O'Hanlan said yes, it meets Stamford's Noise Ordinance. They estimate 18 to 30 procedures per day and the use is consistent with the Master Plan.

Mr. Michelson asked if they have all the required State permits? Attorney O'Hanlan said yes. Mr. Michelson asked if they have a relationship with a hospital? Attorney O'Hanlan said yes but not an affiliation.

Mr. Mills asked if anyone from the public wanted to comment.

Af Assur, 106 Eastover Road expressed concern of the impact of HVAC noise from Building One, and lots of loading at Building Five. He was concerned about generator noise.

Michael Kraus, 86 Eastover Road said noise has been an issue in Building One and this use will introduce business activity/noise on Saturday.

Attorney Hennessey representing Stamford Hospital was concerned that the proposal will dilute the demand for medical services. The Acreage in C-D zone is large. Suburban office parks are attracted to be reinvented as mini-medical malls. A draft of the Master Plan hearing is October 7 and this application should be withdrawn until after the Master Plan has been adopted. Stamford Hospital treats patients regardless of their ability to pay. This use, less than 15,000 s.f. requires no Zoning Board review. He urged that the application be denied or at least slowed down and carefully considered.

Mr. Mills continued the Public Hearing on these applications until the next meeting scheduled for Monday, September 15, 2014 in the 4th floor cafeteria.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: July 28, 2014; Mr. Mills tabled the minutes to the next meeting.

PENDING APPLICATIONS:

1. **CSPR-963 – WATERFRONT OFFICE BUILDING, L.P., 68 Southfield Avenue**, re-approval of site plan changes supporting a child day care use including a 3,341 sf outdoor play area, parking drop-off, landscaping and equipment screening, at Two Stamford Landing, 68 Southfield Avenue, previously approved on July 9, 2012 (CSPR 917). Property is located in the CW-D district.

Mr. Mills read a description of the application into the record.

After a brief discussion, Ms. McManus moved to approve the application subject to the original conditions approved on July 9, 2012, seconded by Mr. Morris and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

OLD BUSINESS

1. Application 211-21 and 211-22 – 25 BANK STREET, LLC, 25 Bank Street - Special Exception, Site Plans, construct a new 5-story, 14 unit mixed use building with off-site parking in a CC-N zoning district (*extension of time request*).

Mr. Killeen described the request for a time extension.

Mr. Stein moved to approve the time extension, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

2. Application 212-21 and 212-22 – WILLIE JAMES WILSON, 190 Stillwater Avenue, Special Exceptions, Site Plans, Village Commercial District project approval, specifically a reduction of the parking standards including permitting parking (*extension of time request*).

Mr. Killeen described the request for a time extension.

After a brief discussion, the request was tabled to the next meeting.

3. Application 211-29 – Site & Architectural Plan and Coastal Site Plan Review, 28 SOUTHFIELD 2011, LLC, construct four, 4-story residential buildings containing 256 units along with supportive amenities including: 30 boat slips, a ground floor café, flex office space, a public board walk and associated site improvements, on a 5.8 acre site located in the DW-D zone on Southfield Avenue (*extension of time request*).

Mr. Killeen described the request for a time extension.

Mr. Morris moved to approve the time extension, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

4. Application 211-23 – PROCUREMENT, LLC, 826 High Ridge Road, Special Exception, and Application 211-24 – PROCUREMENT, LLC, 826 High Ridge Road, Approval of Site & Architectural Plans and Requested Uses, (*Change in Child Day Care count from 90 to 120*).

Mr. Cole described the request. The Board discussed the court case and whether they were being asked to review the approval of additional students and the site plan.

Ms. McManus moved to revise the application site plan to reflect 120 students, seconded by Mr. Stein and the motion was approved 3 to 2 (Mills, McManus and Stein voting yes, Michelson and Morris voting no..

5. Application 213-47 - TR Eastview, LLC - GDP, FSP and Special Exception, “infill” development that includes the construction of a new six (6) story residential building with 82 residential apartments (*administrative review of parking plans*).

After a brief discussion, the request was tabled to the next meeting.

NEW BUSINESS

1. Discussion of Text Change for State Transit-Oriented Development Project

Mr. Cole distributed a copy of a draft Board policy statement to the Zoning Board with proposed edits from Mr. Michelson.

Mr. Michelson moved that the Zoning Board propose the text change, seconded by Ms. McManus. The motion was tabled. This item will be added to the Board's next agenda.

2. Discussion of Time Limits for Zoning Board Meetings

Mr. Stein asked that the Board establish a policy concerning a time limit for future Zoning Board meetings, given that members are volunteers who work during the day and the late hour of adjournment for recent Board meetings.

A motion was made by Mr. Stein that the Board meetings conclude at 11:00pm unless extended by consent of the members present. After some discussion, the Board reached a consensus that Zoning Board meetings should conclude by 11:00pm. To achieve this, efforts should be made to restrict the number of applications to two for public hearings and try to complete the hearings within ninety (90) minutes.

The meeting adjourned at 11:55 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board